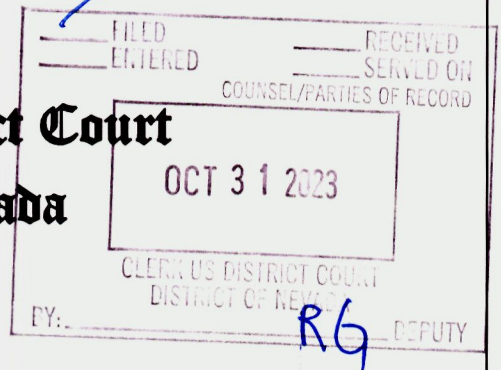


**United States District Court  
District of Nevada**



Jeromy Oelker  
525 e. Bonanza Rd  
Las Vegas, NV 89101

**Jeromy Oelker (pro se)**  
*Petitioner*

**2:23-cv-01490-APG-DJA**

**V.**

**MOTION TO ENJOIN**

**Magistrate Victoria Olds**  
**Magistrate Paige Nolte**

**28 U.S.C. § 2283**

**Prosecutor Zach Pall**

**(CR31-20-0097 Lewis  
County, Idaho)**

**Deputy Arnzen**

**Sheriff Davis**

**Lewis County Court, Idaho**

**Respondents**

Because this is a RICO case, and 1983, 1985(3) actions require a level of Summary review; I am providing documents to the court to support the “Continuing Harm Doctrine.” “A continuing violation is occasioned by continual unlawful acts, not by continual ill effects from an original violation.” Ward v. Caulk, 650 F.2d 1144, 1147 (9th Cir. 1981)

Please see original complaint and Memorandum in Support of motion to enjoin regarding “Accrual” and “Equitable Tolling.” Holland v. Florida 560 U.S. 631 (2010)

1 I was “diligently” prosecuting all these deprivations via (§ 1443 Removal)  
2 and Idaho Bar Complaints during 2020-2022, but was discriminated  
3 against by them and by the District Court of Idaho in 2021. Furthermore I  
4 was conspired against, discriminated against, and wrongfully imprisoned  
5 by Henderson Justice Court, NV in 2022. Menominee Indian Tribe of Wis.  
6 v. United States, 577 U.S. 250, 255 (2016). (please see **Exhibit X-11, and X-14**)

7 Pursuant to 28 U.S.C. § 2283; Certain exceptional circumstances -- where  
8 irreparable injury is "both great and immediate," Younger v Harris 401  
9 U.S. at 401 U.S. 46.

10 Under Mitchum v. Foster, 407 U.S. 225 (1972); Title 42 U.S.C. § 1983,  
11 which authorizes a suit in equity to redress the deprivation under color of  
12 state law "of any rights, privileges, or immunities secured by the  
13 Constitution . . . ," is within that exception of the federal anti-injunction  
14 statute, 28 U.S.C. § 2283, that provides that a federal court may not enjoin  
15 state court proceedings "except as expressly authorized by Act of  
16 Congress." “And in this § 1983 action, though the principles of equity,  
17 comity, and federalism that must restrain a federal court when asked to  
18 enjoin a state court proceeding (cf. Younger v. Harris, 401 U. S. 37, and  
19 companion cases) are not questioned, the District Court is held to have  
20 erred in holding that the anti-injunction statute absolutely barred its  
21 enjoining a pending state court proceeding under any circumstances  
22 whatsoever.” Pp. 407 U. S. 228-243. 315 F. Supp. 1387. In Younger, this  
23 Court emphatically reaffirmed "the fundamental policy against federal  
24 interference with state criminal prosecutions." 401 U.S. at 401 U.S. 46.

25 It made clear that even "the possible unconstitutionality of a statute on its  
26 face' does not, in itself, justify an injunction against good faith attempts to  
27 enforce it." 401 U.S. at 401 U. S. 54. At the same time, however, the



1 Court clearly left room for federal injunctive intervention in a pending state  
2 court prosecution in certain exceptional circumstances -- where irreparable  
3 injury is "both great and immediate," 401 U.S. at 401 U.S. 46, where the  
4 state law is "flagrantly and patently violative of express constitutional  
5 prohibitions," 401 U.S. at 401 U. S. 53, or where there is a showing of  
6 "bad faith, harassment, or . . . other unusual circumstances that would call  
7 for equitable relief." 401 U.S. at 401 U. S. 54. In the companion case of  
8 Perez v. Ledesma, 401 U. S. 82, the Court said that "only in cases of  
9 proven harassment or prosecutions undertaken by state officials in bad faith  
10 without hope of obtaining a valid conviction and perhaps in other  
11 extraordinary circumstances where irreparable injury can be shown is  
12 federal injunctive relief against pending [Page 407 U. S. 231] state  
13 prosecutions appropriate." 401 U.S. at 401 U. S. 85. See also Dyson v.  
14 Stein, 401 U. S. 200, 401 U. S. 203.

15 The very purpose of § 1983 was to interpose the federal courts between the  
16 States and the people, as guardians of the people's federal rights -- to  
17 protect the people from unconstitutional action under color of state law,  
18 "whether that action be executive, legislative, or judicial." Ex parte  
19 Virginia, 100 U.S. at 100 U. S. 346.

20 In carrying out that purpose, Congress plainly authorized the federal courts  
21 to issue injunctions in § 1983 actions by expressly authorizing a "suit in  
22 equity" as one of the means of redress. And this Court long ago recognized  
23 that federal injunctive relief against a state court proceeding can, in some  
24 circumstances, be essential to prevent great, immediate, and irreparable  
25 loss of a person's constitutional rights. Ex parte Young, 209 U. S. 123; cf.  
26 Truax v. Raich, 239 U. S. 33; Dombrowski v. Pfister, 380 U. S. 479.

27 For these reasons, we conclude that, under the [Page 407 U. S. 243] criteria

1 established in our previous decisions construing the anti-injunction  
2 statute, § 1983 is an Act of Congress that falls within the "expressly  
3 authorized" exception of that law. In so concluding, we do not question or  
4 qualify in any way the principles of equity, comity, and federalism that  
5 must restrain a federal court when asked to enjoin a state court proceeding.

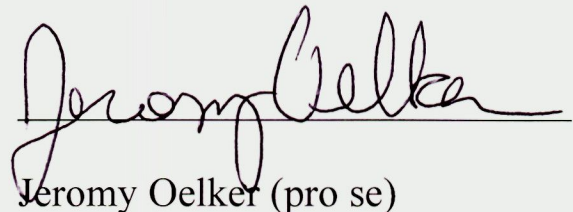
6 These principles, in the context of state criminal prosecutions, were  
7 canvassed at length last Term in *Younger v. Harris*, 401 U. S. 37, and its  
8 companion case. They are principles that have been emphasized by this  
9 Court many times in the past. *Fenner v. Boykin*, 271 U. S. 240; *Spielman*  
10 *Motor Sales Co. v. Dodge*, 295 U. S. 89; *Beal v. Missouri Pac. R. Co.*, 312  
11 U. S. 45; *Watson v. Buck*, 313 U. S. 387; *Williams v. Miller*, 317 U.S. 599;  
12 *Douglas v. City of Jeannette*, 319 U. S. 157; *Stefanelli v. Minard*, 342 U. S.  
13 117; *Cameron v. Johnson*, 390 U. S. 611.

14 "Deprivation of fundamental liberty rights "for even minimal periods of  
15 time, unquestionably constitutes irreparable injury." *Elrod v. Bums*, 96 S.  
16 Ct. 2673; 427 U.S. 347, 373 (1976)

17 In final please "Enjoin" via "Injunction" Idaho-CR31-20-0097 with 2:23-  
18 cv-01490-APG-DJA. The state actors are all the same, aside from the  
19 additional co-conspirators Attorney Thomas Clark and Public Defender  
20 Brennan Wright.

21 I declare under penalty of perjury that the foregoing is true and correct.  
22 Executed on this October 31<sup>th</sup> day of 2023 at Las Vegas, Nevada.

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Jeromy Oelker (pro se)